

# Exhibit B

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF NEW JERSEY

4  
5 IN RE: VALSARTAN, LOSARTAN,  
6 AND IRBESARTAN PRODUCTS  
7 LIABILITY LITIGATION

CIVIL ACTION NUMBER:

1:19-md-02875-RBK-JS

8 STATUS CONFERENCE  
9 (Via telephone)

10  
11 Wednesday, December 9, 2020  
12 Commencing at 4:00 p.m.

13  
14 B E F O R E:

THE HONORABLE JOEL SCHNEIDER,  
UNITED STATES MAGISTRATE JUDGE

15  
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12 A L S O P R E S E N T :

13 Judge Magistrate Williams  
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1 category of no good deed goes unpunished.

2 So we think we had done exactly what the Court has  
3 expected us to do, and we're looking forward to continuing to  
4 work with plaintiffs on some of the issues they've raised as  
5 to document productions. And we'll get into depositions, but  
6 there's no question that defendants satisfied their good faith  
7 obligation.

8 THE COURT: Mr. Slater has raised a question as to  
9 whether the production is complete.

10 MR. GOLDBERG: That, Your Honor, that's something I  
11 think all of the defendants have to answer separately. I  
12 would have to discuss that with my colleagues, and I think all  
13 of the defendants can discuss that and then if Your Honor  
14 wants us to communicate with plaintiffs. But I don't know  
15 that we were --

16 THE COURT: Well, let's hear from ZHP. You can only  
17 speak for ZHP. Is ZHP's production done?

18 MR. GOLDBERG: Your Honor, I don't know the answer to  
19 that. I'd have to coordinate or communicate with my  
20 colleagues on that, you know, who are in the trenches in the  
21 document production. I can certainly let the Court know about  
22 that.

23 THE COURT: Well, you should let Mr. Slater know.  
24 How about Teva, Ms. Cohen, is Teva done?

25 MS. LOCKARD: Your Honor, Victoria Lockard, I can

1 address this. We are in somewhat of a different situation  
2 because of the Court's ruling on our TAR CAML motion and the  
3 work that remains to be done on what -- the documents that are  
4 predicted to be nonresponsive will be processed through a work  
5 stream. So there may be some that fall out --

6 (Cross talk.)

7 THE COURT: This is Judge Schneider. What I said  
8 was, that Ms. Lockard was correct, that the, quote unquote,  
9 nonresponsive documents are a different category, and I do not  
10 think that's what Mr. Slater was referring to.

11 MS. LOCKARD: Agreed, and we just needed to put that  
12 out on the record as a reminder. But aside from that, we're  
13 substantially confused. The only work that is still being  
14 done is because we are obligated to produce our privilege log  
15 within 30 days of this production.

16 We are doing our QC on the documents that were deemed  
17 privileged by the first-line reviewers. So to the extent  
18 there are some documents that are deemed -- determined are not  
19 privileged and should be produced, those may fall out as well.

20 But other than those two categories, we're  
21 substantially complete.

22 MR. GOLDBERG: Your Honor -- sorry, Your Honor, this  
23 is Seth Goldberg. Before you go on to the next defendant, I  
24 do have information about ZHP and can confirm that other than  
25 two custodians, plaintiffs are aware, we have no doubt with

1 them. The perception beyond the deadline for those two  
2 custodians, as well as spreadsheets that plaintiffs are aware  
3 of, that we have an agreement on, and on the work on our  
4 privilege log, the ZHP party productions are substantially  
5 complete as well.

6 THE COURT: Mr. Trischler, can you speak to Mylan?

7 MR. TRISCHLER: Yes. This is Clem Trischler. Good  
8 afternoon once again, Your Honor. With respect to Mylan, the  
9 Court may recall that there was an order entered approximately  
10 in November that dealt with all our requests to cut off the  
11 review using -- based on TAR, and we have been, you know, had  
12 some ongoing meet and confers with the plaintiff in an attempt  
13 to reach an agreement on that.

14 So as it relates to Mylan, we have a null set of  
15 documents that we have not yet reviewed in the hope of  
16 reaching an agreement with plaintiffs. If we do not reach an  
17 agreement with plaintiffs, then we would obviously need to  
18 review that null set if so ordered. So that issue is out  
19 there and still pending with respect to my client.

20 Beyond that, we believe the review is substantially  
21 complete, but our position is with respect to those documents  
22 we have reviewed is similar to what Ms. Lockard outlined with  
23 respect to Teva's, that is. We are reviewing documents that  
24 have been coded as privileged, and to the extent our secondary  
25 review team determines that a document may have been

1 improperly coded as privileged, there may be additional  
2 productions there.

3           The plaintiffs -- it's on the agenda but the  
4 plaintiffs raised an issue with respect to withheld documents  
5 that we are -- that we have committed to reviewing, to make  
6 sure that we got it right. We believe we did, but to the  
7 extent we didn't, we're reviewing those documents in good  
8 faith that they've raised concerned about, and so there will  
9 be some QC review that we expect to take place over the next  
10 30 days, but we're substantially complete except for the null  
11 set.

12           THE COURT: And if I remember right, again, counsel,  
13 you can correct me if I'm wrong, I recall entering an order as  
14 to Mylan as to what you call a null set similar to the order  
15 that was entered with regard to Teva; is that right?

16           MR. TRISCHLER: Yes, that's correct, Your Honor.

17           THE COURT: Okay.

18           Aurobindo counsel, are you on the phone?

19           MS. HEINZ: Yes, Your Honor, good afternoon.

20           THE COURT: Could you speak to whether the document  
21 production is complete?

22           MS. HEINZ: Yes, I can, Your Honor. We have  
23 completed our review of the 15 custodians that we had for  
24 Aurobindo, and it's my understanding that it is substantially  
25 complete, and we haven't been made aware of any issues from



1 the plaintiffs, that's not to say that none will be raised,  
2 but we're happy to work through anything that may come up.

3 I don't anticipate anything, but at this time, we are  
4 -- we have finished our review and produced everything we  
5 have.

6 THE COURT: And how about Hetero, are they on the  
7 phone?

8 MR. SHAH: Yes, Your Honor, this is Nakul Shah on  
9 behalf of Hetero Drugs and Hetero Labs. We have completed our  
10 document -- yes, Your Honor, we have completed our document  
11 production. However, we did receive correspondence from  
12 plaintiffs setting forth deficiencies in our production, so we  
13 are investigating those issues that were raised by the  
14 plaintiffs and we intend to continue to meet and confer with  
15 the plaintiffs on these issues, but otherwise, we are complete  
16 with our production.

17 THE COURT: Mr. Slater, it sounds like you got the  
18 answers you were looking for. Was there anything else you  
19 need with regard to this issue?

20 MR. SLATER: I'm going to hand this off now to my  
21 colleagues who can address the other issues that were raised  
22 aside from the production schedule.

23 MS. HILTON: Hi, Your Honor, good afternoon, Your  
24 Honors, Layne Hilton on behalf of plaintiffs. We raised the  
25 issue of what we call improperly withheld documents.